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*The following information was obtained from a review of the statutes and from the California State University and University of California System (Offices of the General Counsel).*

**Type and Citation:** Statutory. CAL. EDUC. Code Part 41 §68000 *et seq.* All ten University of California branches and all California State Universities and Community Colleges operate under the same state statute governing resident status for tuition purposes.

**Requirements for Resident Classification:** Adult students eighteen years of age or older\* or married must 1) relinquish their prior residence, and 2) establish residency in California for more than one year preceding the residence determination date which is established by the governing board of each institution for each semester, quarter or term. Physical presence in California must be coupled with objective evidence of intent to make California a permanent home. The one-year physical presence requirement will be extended until both presence and intent have been demonstrated for one full year.

\* While students are considered adults at the age of 18 in California, they would not be able to satisfy the 1-year residency requirement as adults until they reach 19 years of age. State statute asserts that students who have not been adults for more than one year immediately before the residence determination date shall have their immediate premajority-derived CA residence, if any, added to their postmajority residence to obtain the required one year of CA residence.

Students whose parents are not CA state residents must also be able to demonstrate financial independence. (At Cal State U this applies to continuing nonresident students seeking reclassification.) Exempted from this requirement are students who 1) are at least 24 years old by December 31 of the calendar year of the term for which resident classification is requested; 2) are veterans of the U.S. Armed Forces; 3) are wards of the court or whose parents are both dead; 4) have legal dependents other than a spouse; 5) are married or graduate/professional students and were not claimed as an income tax deduction by parents or any other person for the tax year immediately preceding the term for which resident classification is requested; or 6) are appointed as graduate student teaching/research assistants employed 49% or more time in the requested academic term. Students in undergraduate or non-degree programs (e.g., teaching credential) whose parents are not CA state residents will be considered to be financially independent if all of these three criteria are met: the student 1) is single; 2) was not claimed as an income tax deduction by parents or any other person for the two tax years immediately preceding the residence classification request; AND 3) can demonstrate self-sufficiency for those 2 years and the current year (i.e., minimum total income and resources of \$4,000).

Minors, under the age of 18 and unmarried, assume the residence of the parents with whom they live or with whom they last lived if the minors live with neither parent. The residence of minors who have parents living cannot be changed by their own acts, by the appointment of



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legal guardians or by the relinquishment of parental control. Minors who wish to derive California resident status from a CA resident parent must move to California to live with that parent before they reach 18 years of age; otherwise they are treated like other adults coming to California to establish residence.

Minors may only establish their own residence if their parents are not living and no legal guardians have been appointed. If minors and 18-year-old students can prove that they have been entirely self-supporting and actually present in California for more than one year immediately preceding the residency determination date and demonstrate the intention of acquiring residence in the state, they are entitled to residence classification.

Minors under the continuous care and control of adults other than parents for at least 2 years are entitled to resident status if the adults having control have been CA residents for the most recent year. This status continues until the student reaches the age of majority\* and has lived in the state long enough to become a resident while continuously attending an educational institution.

Minors whose resident parents move out of state keep resident status if they stay in California after their parents depart, enroll in CA public postsecondary institutions within one year of the parents' departure and, once enrolled, maintain continuous attendance.

Marriage to a California resident does not automatically confer residency status.

Noncitizens may be considered for resident classification in California except when holding a valid nonimmigrant visa (F1, J1, etc.) that does not allow establishment of U.S. domicile. The lawful right to be present in the U.S. is not the same as the legal ability to establish domicile.

**Evidence of Domicile:** The facts relative to one's residence classification are obtained from information supplied in the process of applying for admission; the specific institution reviews these facts and makes the determination of status. These may include: 1) registering to vote and voting in California elections; 2) designating California as a permanent address on Federal income tax returns and all school and employment records, including current military records and Selective Service registration; 3) obtaining a CA driver's license or CA Identification Card within ten days of settling in California; 4) filing CA resident income tax; 5) establishing bank accounts in CA banks; 6) remaining in-state when school is not in session (with proof of lease or rental agreement); 7) obtaining CA vehicle registration; and 8) showing pay receipts and W-2 forms from permanent employment.

**Exceptions to Nonresident Tuition:** 1) Active-duty military stationed in California who are not assigned for educational purposes to a state-supported institution of higher education, their spouses and dependents, receive in-state status until they have lived in California long enough to become residents. If military personnel retire immediately after active-duty service in California or are transferred on military orders to a place outside California, spouses and



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dependents are exempt until they can establish residency. 2) Students who have not been adult residents of California for more than one year and are dependent children of CA residents may be exempt until they have lived in California long enough to establish residency so long as they continuously attend an institution; 3) unmarried dependent children and spouses of university faculty members and unmarried dependent children of full-time university employees whose assignments are outside of California; 4) children of deceased public law enforcement officers or fire fighters who were CA residents and killed in the course of fire suppression or law enforcement duties; 5) full-time employees, their spouses and children at state institutions or agencies may be exempted, as determined by the governing boards, until they have resided in California long enough to become residents; 6) agricultural laborers, their children or wards, who have worked for at least two months per year in each of the two preceding years in the district which maintains the community college(s) attended by the students; 7) graduates of any US Bureau of Indian Affairs-operated school in California, so long as they maintain continuous attendance at an institution; and 8) certain full-time CA public school district employees.

**Temporary Absence from the State:** Individuals may temporarily leave the State for business or educational purposes without relinquishing CA residence. To retain residence, a student, or the parent of a minor student, should continue to use a permanent CA address on all records, satisfy CA voter and vehicle registration and driver's license requirements, and satisfy CA resident income tax obligations.

*For specific institutional requirements, contact the individual college or university campus directly for information. System-wide residency concerns may be addressed to:*

Steven Raskovich  
Residency Specialist, Office of General Counsel  
**The California State University**  
400 Golden Shore  
Long Beach, CA 90802-4275  
Tel: (562)985-4500  
Fax: (562)985-2019  
E: [sraskovich@calstate.edu](mailto:sraskovich@calstate.edu)  
I: [www.calstate.edu/gc/](http://www.calstate.edu/gc/)

Albert Brewster  
Senior Paralegal Consultant, Residence Matters  
Office of the General Counsel of the Regents  
**University of California System**  
1111 Franklin Street, 8<sup>th</sup> Floor  
Oakland, CA 94607-5200  
Tel: (510) 987-9778  
Fax: (510) 987-9757  
E: [albert.brewster@UCOP.edu](mailto:albert.brewster@UCOP.edu)  
I: [www.ucop.edu/pathways/impinfo/res.html](http://www.ucop.edu/pathways/impinfo/res.html)

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